

PLANNING COMMISSION

ACTION MINUTES

WEDNESDAY, MARCH 6, 2002

Vice Chair Mathewson called the meeting to order at 7:02 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Mathewson, Gibson, Torre, Feierbach

Absent Commissioners: Parsons, Wiecha (arrived at 7:15), Petersen

Present, Staff: Principal Planner de Melo (PP), Associate Planner Ouse (AP), City Attorney Savaree (CA), Associate Planner Swan (AP) Recording Secretary Flores (RS)

AGENDA STUDY SESSION None

AGENDA AMENDMENTS: February 5, 2002 Minutes to be amended for March 19, 2002 Agenda

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

A. Resolution denying a Floor Area Variance at 2518 Ralston Avenue consistent with action taken by the Planning Commission on February 19, 2002.

PP de Melo presented a brief staff report, noting that revised plans for the project are expected to be included on the March 19, 2002 agenda, with a home that is smaller in size and will conform to the 2100 sq. ft. limit.

MOTION: By Commissioner Torre, seconded by Commissioner Feierbach, to approve the resolution to deny the floor area variance.

Ayes: Torre, Feierbach, Gibson, Mathewson

Noes: None

Absent: Parsons, Weicha, Petersen

Motion Passed 4/0/3

VC Mathewson noted that the item is appealable within ten days.

B. Minutes of February 5, 2002 were withdrawn for amendment.

STUDY SESSION None

PUBLIC HEARINGS:

Public Hearing – 1112 North Road: To consider a Detailed Development Plan with associated Conditional Use Permit, Design Review, Grading Plan and Tree Removal Permit to allow construction of three new single-family residences for the subject site. Two of the residences are 3,764 square feet, and one is 3,030 square feet. The homes include five bedrooms and three bathrooms, and two-car side-by-side garages. Maximum height of the dwellings is 28 feet. (Appl. No. 01-069); APN: 044-101-120 Zoned: PD (Planned Development); General Plan Designation: (R1) Low Density Residential; CEQA Status: Adopted Mitigated Negative Declaration; Wayne Batavia, Applicant; Bel Associates, LLC, Owner

AP Swan summarized the staff report, recommending approval with conditions as attached to the resolution, and answered questions from the Commission.

C Wiecha arrived at 7:15 p.m.

Applicant Wayne Batavia summarized the proposed project, noting that a neighbor's non-conforming lot will be modified by deeding to the neighbor the land needed to create a legal side-yard setback and that, at the Commission's request, two of the homes have been reduced to 3760 sq. ft. and a landscape buffer has been created along the northern portion. In addition, the elevation, height, roof pitch and grading have been altered so that story poles could be avoided.

VC Mathewson opened the public hearing.

Lisa Daniels Gross, 1100 North Road, appreciated the applicant for addressing her concerns about the wildlife, and asked for consideration of the spring nesting habits of squirrels. She stated that she would like to have seen story poles or something that would show her what the project will look like.

Mr. Batavia responded to Ms. Gross by stating that the closest point the new house will be to her house is 50', and that the planting strip will be 3' wide.

Bea Struthers, 1115 North Road, said that she appreciates the proposed project and hopes it gets started soon.

PP de Melo noted for the record that the actions that have been previously taken by the Planning Commission and the Council technically established the height, setbacks, size, and conceptual design of the homes. Related issues have been approved by the CDP, and when the CDP is approved it establishes those concrete development parameters for a project. Staff will make every effort to have plans available for anyone from the public to review, and would be happy to perform site inspections for neighbors to try to clarify some of the issues, but the project is past the point of the Commission going back and starting to address issues of height, parking, etc. In response to C Mathewson, PP de Melo stated that part of the building permit submittal will require a maintenance permit agreement with a homeowners' association. Mr. Batavia interjected that parcel A will not use the private road and will not be a party to the agreement. They are not proposing a HOA for the two homes, but will use a joint maintenance agreement for maintenance of the road and the improvements, which will be part of the recorded title for the two properties.

MOTION: By Commissioner Torre, seconded by Commissioner Wiecha, to close the public hearing. Motion passed.

In response to C Feierbach's question regarding the size of the proposed homes, PP de Melo explained the approval process for Planned Development homes.

C Gibson stated that he hopes the contractor will give the squirrels a break and suggested a treatment like **Turf crete** in the parking spaces to soften the effect of so much pavement.

VC Mathewson echoed C Gibson's comment about the squirrels, particularly their offspring.

MOTION: By Commissioner Torre, seconded by Commission Gibson, to adopt the Resolution approving a Detailed Development Plan, associated Conditional Use Permit, Design Review, Tree Removal Permit and Grading Plan for construction of a three-unit single-family residential

development at 1112 North Road, and to remove the condition related to a fire apparatus road turnaround.

Ayes: Torre, Gibson, Wiecha, Feierbach, Mathewson

Noes: None

Absent: Parsons, Petersen

Motion passed 5/0/3

VC Mathewson announced that the item may be appealed to the City Council within 10 days.

Public Hearing - 2936 Alhambra Drive: To consider a Variance, Design Review Permit and Tree Removal Permit, to allow construction of a 3,095-square-foot single-family residence on a 9,904-square-foot site. The Variance would allow retaining walls exceeding six feet in height, within the front setback. (Appl. No. 01-0055); APN: 043-232-100, 043-232-220; Zoned: R-1B; CEQA Status: Categorically Exempt; Applicants/Owners: Larry Siebert and Shirley Nichols

C Feierbach recused herself from discussion of this item as she lives within 500' of the subject property.

AP Ouse summarized the staff report, recommending approval of the resolution as revised March 6, 2002, and noting that the findings should indicate that the applicant has chosen to use the Keystone type of cladding for the Shotcrete portions of the wall. In answer to VC Mathewson's questions, AP Ouse stated that if an additional parking pad is provided at street level the amount of grading would be increased, and the amount of fill included the drainage walls and piers that may go under the structure.

Larry Siebert, applicant, stated that the car shown on the rendering is outside on the street for scale, and that the idea has always been to take the downslope side of Alhambra and improve that for drainage – the first choice will always be for drainage unless something comes up. Responding to C Torre's question regarding the choice of Keystone cladding for the Shotcrete, Mr. Siebert stated that there was concern about the possibility of the sculpted walls looking poorly, and the cost of Keystone is about one half the price of the Shotcrete with **soldiered** beams.

VC Mathewson opened the public hearing.

Jeff Marshall, 3250 Upper Lock, stated that the Section 7.13(a) of the Municipal Code requires the City to evaluate whether the proposed site is located adjacent to and served by streets that meet current City standards and are adequate for the proposed use. He asked staff if this process was followed on this project, and if so, what were the standards used to evaluate the street. His calculations are that the street is 20' wide with parking allowed on both sides, and he feels that this is substandard, and since the street is longer than 150 feet and ends without a cul de sac, the Fire Department requirements are for a turnaround with a radius of 32'. He believes this is a critical issue in the San Juan Hills area having to do with fire danger. He also asked if the policy issue regarding encroachment permits that was discussed at the Council meeting of November 13 has been discussed further or agendaized, and, since it was recognized as a problem, he feels that it needs to be pursued. AP Ouse responded that the South County Fire Authority staff had reviewed the project a number of times and had not voiced the proposed street as being a concern. CA Savaree stated that, to the best of her knowledge, the Council has not directed that anything be done on the encroachment issue at this particular time. She volunteered to follow up on this item. Mr. Marshall asked that staff read the section in the Municipal Code for compliance with the law - was the evaluation made and what are the standards? PP de Melo responded that the section that Mr. Marshall is referring to speaks to construction along paper roads, and if a piece of land fronts on fully improved roads it is evaluated in a different manner, and that the project was reviewed by both the South County Fire and the Public Works Departments to assess any sort of mitigations in terms of this project. CA Savaree stated that Mr. Marshall's concerns will be passed on to both of these departments.

MOTION: By Commissioner Wiecha, seconded by Commissioner Gibson, to close the public hearing. Motion passed.

C Wiecha concurred with public comments with respect to improvements on the public right-of-way. She suggested that Council be asked to look at this issue for a policy clarification. CA Savaree agreed to convey that concern to the Council and report back to the Commission.

C Gibson stated that he did not feel the application could be denied at this point because it is about the best that can be done with this property.

VC Mathewson stated that he had difficulty making findings B and C.

C Torre stated that she intends to raise a question about Variances under Item 9 on the agenda, but did not want to raise it with regard to the specifics of a particular project. She reminded the Commission that when the item came before them two weeks previously they felt the project had been much improved, and that the Commission essentially asked the applicant to come back and ask for the Variance for the retaining wall in the public right-of-way. Staff has provided the reasons for the Variance and she felt it was definitely a better project with less impact on the hillside and the community and more in keeping with the general goals of the Belmont General Plan and the Specific Plan.

MOTION: By Commissioner Torre, seconded by Commissioner Wiecha, to adopt the Resolution approving a Variance, Single-Family Design Review and Tree Removal Permit for a new residence at 2936 Alhambra Drive, with the conditions as attached.

Ayes: Torre, Wiecha, Gibson

Noes: Mathewson

Recused: Feierbach

Absent: Parsons, Petersen

Motion Passed 3/1/1/2

VC Mathewson announced that this item may be appealed to the City Council within ten days.

VC Mathewson declared a recess at 8:11 p.m. Meeting resumed at 8:25 p.m.

Public Hearing – Zoning Amendments: To consider revisions to the City of Belmont Zoning code to establish more specific clustering regulations in the HRO Districts, to revise existing density and floor area standards in the HRO Districts and to establish HRO-2 development standards within the HRO-1 and HRO-3 Zoning Districts; (Appl. No. 02-0004); CEQA Status: Special Situations (Section 15183(g)); Applicant: City of Belmont

P Ouse made a detailed presentation on Phase I of the Hillside Development Policy Program, giving background information and staff's recommendations on the issues. She noted that the Council's first priority and the topic for discussion at this meeting is for staff and the Commission to look at slope density in the HRO Districts, and determine if the current regulations are adequate to meet the values of the community.

Questions from the Commission were as follows:

C Torre:

Corrected Table 1 of handout. The next table is labeled 50% reduction of density, but the dwelling per new acre is halved. The minimum lot size should have been doubled, not halved. Staff agreed.

What percentage of lots in HRO-2 would be affected? AP Ouse responded that there were many more before lot merger process. Even though they are merged most of them are still non-conforming. There are only one or two that would meet Table 1 to be able to subdivide.

What percentage might exceed 30% slope? AP Ouse responded that a number are borderline (between 20 and 40%) but she had not gone through each HRO-2 lot and evaluated the new slope with regard to the lot mergers.

Regarding cluster development currently allowed in HRO-1 and HRO-3, C Torre questioned staff's interpretation of Code 4.7.10(c.2.d). It is her understanding that the standards are that if you cluster, the minimum lot size is 10,000 sq.ft., and that permanent open space shall be provided over all open space parcels and over all portions of lots exceeding 10,000 sq.ft.

Regarding staff's recommendation that if a property is going to be subdivided in HRO-1, simultaneously it would need to be rezoned as HRO-2. She heard concurrence that there is no density change by moving subdivided property into HRO-2; the only thing that would be effectively changed is that there is some intensity difference. Also, a rezone would require another action by the City Council – there are a lot of findings that must be made that relate to conformance (page 34 of the Subdivision Ordinance). She asked what findings are different with a rezone. AP Ouse responded that it is more of a philosophical difference – there is a finding of consistency with the General Plan to rezone, also a finding for consistency with the General Plan to subdivide. A rezoning is considered to be a higher level – it's "big picture" planning as opposed to looking at a specific parcel and subdividing it. Zoning questions refer to the entire area, neighborhood, and city. HRO-1 districts are not subdivided, HRO-2 districts are. The whole pattern of the development is going to change when you change the zoning and needs to be considered.

C Feierbach:

If we were to change the slope density to some other figure, would we have to have hearings to change the Specific Plan of the San Juan Canyon? AP Ouse replied that her understanding is that an area plan amendment would have to be approved in accordance with what the density range would be.

What is the difference between cluster development and a PD, if any? AP Ouse replied that a PD is a site-specific set of standards; a cluster development can have standards that apply to all types of developments that quote themselves as clustered. Clustered development design guidelines are guidelines that may apply City-wide to areas that want to subdivide and develop a piece of property using the clustering concept identified in the zoning code.

Asked for clarification of what effect applying the slope density concept City wide will have, for example, when the minimum parcel is 15,000 sq.ft., and the zoning in R-1B is 6,000 sq.ft. PP de Melo responded that, when applying the existing HRO density standard to R1-B zones, what you are going to have is a wide effect in terms of existing parcels that have homes, as well as vacant parcels that are 6,000 to 10,000 sq.ft. In terms of larger parcels that are R-1B, when you start to establish these more strict guidelines, you are going to effectively create fewer lots per subdivision. The Commission and Council will need to be cognizant that there is also a General Plan density range in effect. Also, that these issues cannot be looked at in a vacuum but as a whole range of factors in terms of slope, density, parking, road construction, etc.

Why would one want to change an HRO-1 to HRO-2? AP Ouse stated that it would only be for proposals requesting subdivision.

In order to clarify the difference between clustering and a PD zone, PP de Melo noted that clustering focuses on the concentration of homes in one area with the creation of the balance of open space in another area. to create open space tracts. In terms of the rationale for wanting to have HRO-1 lots be rezoned to HRO-2, PP de Melo stated that by the action of the proposed zone text amendments you create a more consistent standard in terms of having lots that are now newly subdivided subject to the same standards that apply to the HRO-2 district standards that focus on subdivided lots. PP de Melo stated that the city is still struggling with the issue in terms of what is the most appropriate home size. By establishing those HRO-2 standards, a mechanism is being created to apply density and FARs to the creation of lots; this allows the application of the FAR standards for these subdivided lots and then it becomes a value for the Commission to assess.

VC Mathewson:

Why isn't it considered a taking in other cities where they do not allow any development at 30 to 35%? CA Savaree replied that in order to affect a regulatory taking you have to eliminate all potential economic use of a lot – that is the current legal standard for a taking. It is difficult to discuss as a theoretical question without knowing anything about particular lots. She stated that there are some cities in which certain lots are rezoned as open space because it is absolutely infeasible to develop on those lots, or parkland or agriculture lands are sometimes given by cities when there is an absolute inability to develop a property due to slope or other geological constraints.

VC Mathewson opened the public hearing. Since 13 Requests to Speak had been submitted, VC Mathewson announced that he planned to limit the amount of time for each speaker to five minutes. Buck Bukrinsky, Ruth Thomas, Mike Bruno and Jennifer Gardella agreed to donate their time to Rachel Claus.

Eric Dentler, 2608 Wakefield Dr. and President of the San Juan Canyon Trust, gave background of the organization and showed slides and tables depicting mudslide, grading and traffic activity that has taken place in the Canyon and his analysis of the impact slope density would have on the Canyon. He estimates that HRO-1 is roughly half of the canyon or 72 homes, HRO-2 could accommodate 134 units, down 2/3 after the lot merger. His proposed Plan A would tighten up the slope density rules and reduce the number of homes, Plan B would tightened it up further and bring it into alignment with the rest of the Peninsula. He will e-mail a PowerPoint presentation to the Commission with raw data in spreadsheet form with the most updated geotechnical data written out to accommodate his slope density analysis. He believes that 72 homes is way, way too many and asked the Commission to swiftly move forward with tightening up the slope density rules, and stay motivated. He added that residents are hoping that the 14-year-old plan can be revised.

Rachel Lehmer Claus, 2771 Waverly, Palo Alto, stated that she wanted to invite the City to enter into negotiations with the Lehmer family for the donation in permanent open space of 23 acres of pristine land at the base of San Juan Canyon. The donation would be tied to a current application for two subdivisions that have been before the Planning Division since September 2000. Jennifer Gardella, attorney for the family and estate, pointed to the property on a map. PP de Melo reminded Ms. Claus that the focus of tonight's meeting is not to negotiate a particular development project and invited her to call his office to discuss the matter.

Jeff Marshall, 3250 Upper Lock, stated that he had attended the meetings that AP Ouse had hosted and is supportive of this effort to look at standards and develop new rules. He encouraged the Commission to take a global approach to looking at the City's planning issues.

Keith Gorzell, 2824 Monte Cresta Dr., stated that he had attended both hearings and lends his support. He thinks that the floor area reduction is a good step in the right direction. He would encourage further study in the area of density transfer.

Gus Lizano, 2814 Monte Cresta Dr., stated his feelings that the Commission will not be able to apply the same slope density formula across the board, but he thinks it is a good start. He suggested looking at other similar communities for comparison. He believes it is important to retain open space but be cognizant of traffic problems – he does not think the roads can absorb more traffic.

erry Chapman, 2923 San Juan, asked that the Commission concentrate on house size. He feels that by building 900-sq.ft. houses with 2-car garages, the garages will be converted to bedrooms or storage, and cars will be parked on the street. Also, he believes the small house will bring in transient renters and diminish property values of the area. He suggested that if the Commission wants to proceed to 900-sq.ft. houses they should look at halving the garage to provide for a second bedroom. He also suggested that when looking at house size, the Commission should consider allowing a given amount of square footage per lot. He suggested that Burlingame, San Mateo County and San Carlos use this method of determining allowable house size.

Juris Blukis, 2803 Monte Cresta Drive, believes that the Monte Cresta extension is representative of problems the Commission is dealing with. Having reviewed the geotechnical reports, he believes that an untrained eye can see that there is excessive unstable earth and potential landslides. He is also concerned with the traffic, open space, character of the neighborhood, sewer and water infrastructure questions. His

concern as a citizen is not only Monte Cresta but is City-wide. He stated that he supports the slope density and HRO rezoning amendment proposals to the extent that they address the geological hillside density concerns directly and all the other concerns that he mentioned.

Mark Herbach, 2820 Alhambra Drive, stated his support for the staff report and three proposed amendments to the zoning code. He reminded the Commission that they are studying HRO, which means "hillside residential open space" which is a unique area with unique problems -- geologic, flood hazard, and infrastructure problems -- and merely focusing on the 900-sq.ft. is missing the point. The HRO area is a unique area and unique areas have unique problems that require unique solutions. He believes that staff did a thorough job of obtaining public input and that they have prepared a well-balanced set of recommendations.

Damon Campbell, 2355 34th Avenue, San Francisco, asked if there was supposed to be a Monte Cresta extension discussion at this meeting. VC Mathewson replied that there was not. CA Savaree stated for the record that the chair did request that the earlier speaker make his comments general; comments have not been taken on the Monte Cresta project specifically because that is not on the agenda for this meeting. Mr. Campbell stated that he had attended both workshops for hillside policies, and had asked if staff would be recommending table changes to HRO densities and their answer was "no," and now he is hearing that they are thinking about changing the densities.

Commissioner Torre interjected the following for clarification purposes: The suggestion to have the rezone so that the HRO-2 table would apply would not as a matter of math change density – it would change the intensity for lots that are over 20,000 sq.ft. Intensity refers to the amount of square footage allowed in a house, and density refers to the number of houses allowed when the land is subdivided. She explained that in HRO-1 and with a 30% slope, assuming a 4-acre lot for the purposes of working through an example, the minimum lot size would be 40,400-sq.ft., which could be subdivided into 4 lots. Table 2 of the HRO floor area ratio standards will define how much square footage will be allowed in the house. If the lot has been legally created according to Table 1, by working through the math you will find that those FARs will all result in 3500 sq.ft. plus or minus a few feet because it is rounded to three places. Therefore, the density will be identical in HRO-1 right now. If the lot is over 20,000 sq.ft., a 4500 sq.ft. house is allowed; if the lot is below 20,000 sq.ft. there would be no change. The requirement to rezone into HRO-2 effectively makes every house limited to 3500 sq.ft. If the lot is bigger than 20,000 sq.ft. one would have a slightly smaller house. For clarification, Mr. Campbell asked if C Torre is saying that the FAR would not be changing in the HRO-2 district. VC Mathewson said that that issue has not as yet been addressed.

PP de Melo stated that it is not appropriate to have a debate between an applicant and a Commissioner. He added that the three zone text changes that are before the Commission tonight focus on three issues – they do not involve changing the floor ratios for the HRO-2 zone. The information that has been presented to the Commission and the public focuses on potential scenarios but they have not been evaluated in terms of the staff report that is before the Commission tonight. The staff report was prepared in response to the request to provide additional information for consideration, but the three zoning text amendments that are before the Commission are clearly defined within the staff report purely for potential sake. An evaluation of Mr. Campbell's particular parcel in terms of these potential changes is not the focus tonight; it's looking at a big picture policy issue and looking at requests for different scenarios – it has not been evaluated in terms of whether it is appropriate or not in the context of the staff report that is public information for the purposes of this hearing.

Mr. Campbell asked the City Attorney – through the Chair – if she had defined "taking" as when all economic value was taken from the property. VC Mathewson stated that that was her first "cut" but she is going to look into it further and come back with more information on it. CA Savaree said that she had said all economic use was taken. Mr. Campbell asked if economic use was cut by 50%, would that be labeled as a taking? CA Savaree replied that her opinion is that, under the current state of the law, the answer is that it would not be a taking.

Gary Jones, 2707 Sequoia Way, stated that reducing the FAR to 900' for lots exceeding 30% slope does not seem to be a big problem. He supports the basic goals of the San Juan Hills and Western Area Plans and believes they are extremely crucial. The City needs to continue to restrict development in geologically hazardous hillsides, protect ecologically sensitive areas, including oak woodland habitat, and preserve public views and open space. He believes that building roads and homes in areas of geological instability that require extensive variances and exceptions poses a danger to current homeowners and puts the City at risk

for future expenses and litigation. He supports resolutions that support and strengthen the goals of the San Juan Plan to insure appropriate development in Belmont.

MOTION By Commissioner Wiecha, seconded by Commissioner Gibson, to close the public hearing. Motion passed.

C Gibson:

Commended staff on efforts on this project.

Need to step back and look at whole litany of facts about the open spaces – we're talking about private property, there is a right to some economic benefit and we cannot and should not eliminate economic use from this property.

There are serious geological hazards, traffic that would be generated by new development, questions of infrastructure impacts, wildlife habitats that need to be considered.

Thinks we need to look closer at what other communities like Saratoga and Los Gatos have done in terms of zoning codes or their General Plans or Specific Plans.

Believes the slope density formula as it stands is not adequate. Need to see the number of houses that are allowed in order to understand the complex formula that is involved. We have a lot of theoretical build-out in the San Juan Canyon and he would like to emphasize that the numbers are theoretical. Slope conditions may preclude build-out of roads to many of the lots, thereby reducing the numbers. Geological conditions on the lots could affect or preclude house construction. Potential build-out could do serious damage to Belmont in terms of the host of things enumerated above.

Believes the proposal to require that HRO-1 subdivisions be rezoned as HRO-2 is consistent and logical, since the definition of HRO-1 and HRO-2 is unsubdivided and subdivided. The idea of wholesale adoption of HRO standards obviously does not work. At the public workshops, he recalls that Mr. Naser pointed out the great disparity that exists between R-1 and HRO standards. He thinks at some point we should try to find a way to bring R-1 closer to HRO – a wholesale adoption of HRO doesn't work.

Does not want to get hung up on the 900-sq.ft. house. Believes a 900-sq.ft. house with a 400-sq.ft. garage is ridiculous. Need to find some other way, specifically through the transfer provisions of the San Juan Hills Area Plan.

C Wiecha:

Asked staff to elaborate on their research with respect to other jurisdictions. AP Ouse replied that she found cities in the Bay Area to be much more stringent with their regulations – there were not many communities that we're looking at limiting square footage like our 1200 or 900 sq.ft. but it does exist; Half Moon Bay is one that is working toward that. She added that there are cities in the region that do prohibit development on slopes more than 30% and that Belmont has the most thorough regulations in terms of its slope density calculations. She had not seen tables similar to Table 1 in any of the communities that she looked at. There are FAR standards in other cities; most are less stringent than Belmont's. There are different cities that take a different approach to controlling development on sensitive slopes and that deal with the amount of lot disturbance. Some have different standards for non-conforming lots that have paper roads associated with them or have design guidelines that reduce height and massing on uphill slopes, and more stringent clustering regulations in terms of bulk and mass.

Discussed with staff their recommended action with regard to planned developments. Wanted to know what the guidelines governing the development of a planned unit development would be, and if the Commission wanted to make amendments or consider adding additional goals or considerations within that section, what would be the best time to do that? AP Ouse responded that it is the Commission's choice but staff had not prepared anything on that for this meeting. If the Commission felt that the policies in the Western Hills Area Plan are not adequate to implement the community's values in that area, then part of the amendment process could be to establish more specific planned development guidelines. She confirmed that that would

then trigger a further amendment to the Western Hills Plan, in the same manner that what they are considering tonight that will trigger an amendment to the San Juan Hills Plan.

Disagreed with C Gibson on the issue of the 900-sq.ft. house to the extent that she would not be willing to reconsider that. She believes it is important to make that adjustment on the minimum allowable size from 1200 sq.ft. downward to 900 sq.ft. for a variety of reasons, many of which have been exemplified by some of the projects that the Commission has looked at in the last several years.

Thinks the staff report is well thought out.

One of the things that she would like to review in the near future is the general goals of the Western Hills area, if the City does adopt this HRO revision to the PUD District. She thinks it would be wise to at least look at that and make sure it is consistent with the goals, because it would become the overriding planning document for future development.

Asked why, if we are considering using the PUD concept in the HRO-3 district, we could not consider that in the HRO-2 district? AP Ouse responded that it would have to be a rezoning to the planned development designation and there is nothing prohibiting that now. PP de Melo confirmed that any applicant has a right to request that a planned development be established for any particular zoning district, just as was the case with the 1112 North Road project before the Commission earlier in the meeting. It is a mechanism that is developer driven. He added that, in terms of the code changes tonight, they focus specifically on the HRO-3 zone, but that could very well be the case also for HRO-1 and HRO-2. C Wiecha confirmed her understanding that the reason for considering mandating the use of the PD process for HRO-3 is to enable those projects to more closely align themselves with the policies of the plan for that area. AP Ouse responded in the affirmative in that it essentially allows for maximum flexibility in terms of protection of slope, geology, views, neighborhood compatibility, etc. The HRO-3 is the only district of the HRO series that allows town homes for example. and so a planned development could further encourage that by really establishing a site-by-site potential development area without having the option of going to a straightforward, typical multi-unit subdivision.

C Feierbach

Stated that, after seeing the North Road agenda item, she would never vote for a planned unit development. The developer can do what he wants with regard to house sizes or can move them around. She sees it as a way of getting around zoning and variances, and would never consider townhouses in the San Juan Canyon. She does not believe that clustering necessarily implies planned unit development. She thinks it's wrong to increase house size just because of the PUD. Someone would need convince her of benefits.

Wondered if the Planning Commission would like to explore the ultimate result of lowering the density in the HRO-1 and HRO-3 areas. The Council posed the question to look at the slope density formula. There are two areas that have been developed in the San Juan Canyon in the last 20 years – Ralston Ranch and Naughton, and those were probably the easiest to develop. What's left is not easy because of issues related to infrastructure, sewage, road extensions, traffic, potentially serious environmental concerns. geotechnical, slides, development near Sugar Loaf, etc.

Concerned about Water Dog Lake. The only place left in the HRO-3 area of the Western Hills is the area near Carlmont. She believes the rest has been density transferred, unless some future Council changes the zoning. and thinks it is more or less protected except for Water Dog Lake and the area above Carlmont High School.

Liked Jerry Chapman's idea about using a footprint – if you have footprint and you have height limits then maybe you don't have to look at FAR as much – makes it a lot simpler.

Would like to see a larger house size on the larger lots. Suggested looking beyond 3500 sq.ft. – i.e., perhaps it could be 5000 sq.ft. if somebody has 4 acres.

With regard to slope density, should continue it beyond 45%; she understands there are lots that go as high as 57%.

C Torre

Appreciate the comments made in the staff report and of the effort put into a very difficult topic.

Concurs with staff that creating numerous non-conforming lots just creates a total headache without really accomplishing anything much in terms of development of new homes – very few lots that aren't developed in the rest of the City. Concurs with position on page 4 that it does not make sense as it stands. Possibly something between the two would make sense. Concurs that there are a lot of theory and philosophical explanations given of the distinctions between low-density residential and the hillside residential and open space. Pointed out that, under the goals that the Council gave us for considering this slope density concept City wide, there are a few things that they asked for that it would behoove us to put together for them when you go in April. Goal 1, Item 5, was to determine the existing vacant lots and the effect of slope density limitations on that development potential. She believes the Council asked for real numbers – for example, this would affect 10 lots that totaled 7 acres.

Seconded other Commissioners that it is very important for us to learn what we can from other cities. Understanding the tools that other cities have used gives us new ideas about how to control a problem. A list of tools used in other cities would be very useful at some point in this process.

Had problems with asking for a rezone for the subdivision of an HRO property. 1) It's another procedural step with all the work that goes into that step for staff, Planning Commission and Council. 2) Does it effect any actual practical difference? If lots are legally created under the HRO standards and 4.79 Table 1, if you proceed and apply the FAR percentages of Table 2 and the HRO-2 district what you would get is every house would be limited to 3500 sq.ft. She distributed a table to the other Commissioners that illustrated this premise. The one difference is that in section 4.7.10(b) in HRO-1, if the lot is over 20,000 sq.ft., the maximum allowable floor area can actually be higher than 3500 sq.ft. – it can go up to 4500. She suggested that if the majority of the Commission feels that there should be a limit of 3500 sq.ft., we just propose an amendment to 4.7.10(b) because exactly the same thing would be accomplished. She is not convinced of the purpose of doing the rezone, which is just another step. Presently, to go through subdivision you have to make findings that are fairly stringent (read them from page 34 of subdivision ordinance) and consequently the City Council has to make a discretionary action in granting subdivision. Suggests that on a practical basis, requiring a property to be rezoned into HRO-2 does not change the number of houses in terms of the density formula, and if we were to change that section to allow up to 4500 sq.ft. and just took that out it wouldn't change the amount of square footage allowed either. In addition, the City Council already has to make these complex findings, so she does not see the value of requiring another action from the Council.

Regarding the proposal for the Western Hills Area Plan, she does not think that the PD zone allows one to do whatever is desired. It allows one to trade off different things, but whether a PD zone is approved has to do with what goals are presented in that tradeoff. From an environmental perspective, she likes the idea of clustering. One of the main things that would happen if the zoning code is modified such that all Western Hills area development has to be through PD zones, you do away with clustering and she does not see how that's to our advantage. She suggested that perhaps clustering could be made a requirement of a PD zone, but right now the two ways you can develop in Western Hills would be with a regular subdivision, PD or clustering. AP Ouse interjected that a Planned Development could look, smell and act just like a multi-unit subdivision – at this point there's nothing that's restricting it from being a clustered subdivision or a different type of subdivision. C Torre was open to more discussion on this topic as she found it a little unclear.

In terms of the vacant lots that are non-conforming, in HRO-2 only, she thinks most of the lots that are not built on are non conforming and that a large number are over 30%, so it applies to quite a lot of property. She does not believe that building a 900-sq.ft. house of which half is garage is a desirable thing for the city, nor does she think it would happen. It would not be a sellable house and she believes that what this is really doing is forcing more density transfers. She might be able to support this if at the same time you change those other parts of the code where the density transfer allowed is 1200 sq.ft.. She is also concerned about takings, and she understands that under current case law the fact that you allow less square footage on a lot is not a taking as long as there is economic use, and she is satisfied that that is correct under current law. She also believes there are cases pending that could modify that somewhat. In order for her to support the 900-sq.ft. limit, she would need to see changes in other parts of the code that to allow density transfers outside of just the roadway on which the lot in question is located, so that the incentive being provided here for density transfer can be accomplished on a practical basis.

Believes the idea of having additional design guidelines for clustered development is a good idea.

VC Mathewson

Felt that problems with PD zoning in the past is that developers come in asking for the stars and we cut it back and give them the moon and we still end up over the limits that we would normally end up with. Agreed with C Feierbach that it circumvents the Variance process. Has difficulty with the "flexibility" of PD zoning.

Confirmed with AP Ouse that she used the League of California of Cities List Serve for the slope density studies.

Favors a reduction in density in the more hilly areas. Safety is one issue and, in view of the discussion earlier in the meeting regarding turnarounds, suggested that South County Fire be asked to look at this when they do their evaluation – there will be some areas that may not be as protected as they could be.

Likes the idea of the 900-sq.ft. lots and realizes they will require a density transfer in most cases. Believes that Mr. Chapman's idea about the one-car garage idea fits in with the City's goal to provide more affordable housing. Agreed with C Torre that if we're going to have 900-sq.ft. lots in the canyon on steep slopes, we will probably have to expand density transfers somewhat.

Confirmed with AP Ouse that there are only a few lots that would be subdividable.

Appreciates the staff report – it provided a lot of good talking points.

Sees no problem with doing the rezoning of the HRO-2 standards once HRO-1 is subdivided, or simultaneously. Does not think City-wide is the best way to impose HRO regulations but there are some areas where the R-1B lots are extremely similar to adjacent HRO-1 lots, for example, on San Juan Canyon Blvd. Jeff Marshall would like to see us get our Zoning Ordinance and the Municipal Code internally consistent and balanced; that's a wonderful goal that takes a lot of personpower and he knows we have very limited resources. AP Ouse interjected that as part of this research she has become much more involved in the GIS and mapping systems that the City currently has, and one of the things that she has done is to overlay the General Plan designation with the Zoning. She found some inconsistencies in limited areas, and cleaning that up is certainly something that can be undertaken as part of this program.

Was concerned about potential takings.

C Feierbach: Regarding C Torre's reference to subdivision findings, she believes those are political decisions. A pro-growth Council will make the findings, and a conservative-growth Council will make them the other way. Variance findings can also be made either way – they are very subjective. Rezoning is different because it is a hard and fast rule. She does not have feelings either way with regard to the 900-sq.ft. house. Asked if Specific Plan would have to be changed to reflect a change in minimum house size. Staff stated that it would not but the zoning ordinance would need to be amended.

C Torre: Referring to Goal 1, Item 1 established by Council, one of the issues was to evaluate the existing slope density figures and the staff report does not discuss that issue. She believes staff should verify the numbers submitted by the San Juan Hills Preservation Trust and that there should be some tools developed to provide a better idea on what it really means prior to a vote on whether the slope density table should be changed. She does not feel that she has enough material to make a rational decision on that issue.

PP de Melo confirmed that the San Juan Hills Area Plan would have to be amended only if the slope density standards are changed; there is no distinction in terms of 900 sq.ft. vs. 1200 sq.ft. houses.

C Feierbach: Suggested using a copy and paste method on a map to show where the 72 houses would be.

C Torre: Agreed that that kind of visual would be helpful to the Council in approving any recommendation from the Commission.

C Wiecha: Felt it would be helpful to have the mapping reflect the lot mergers.

AP Ouse expressed concerns about placing stars on proposed lots without having a development application. She would prefer to put it in general terms as opposed to a comparative study of individual lots that are privately owned. PP de Melo added that development is hypothetical – development is the type of thing where unless we see a development proposal in terms of the balance of how we're going to locate those structures and the roads on a parcel, we don't know. Staff can use the parameters given by the Commission tonight and look at those kinds of scenarios, but in terms of taking all of these parcels and coming up with a potential development scenario, it is not practical and not fair to the property owners to have this information become public that this Planning Commission surmised that maybe 14 lots can be built on a 20-acre parcel. She believes it has to be looked at in the general terms of the lots and the slope density in terms of the Commission's desires.

C Gibson: Had tried to put stars on a map and decided that it would not work. He disagreed with C Torre about being ready to vote on the slope density formula. Agreed that staff needs to verify the numbers but does not believe they will change drastically with more accurate analysis. He thinks the Commission should move on; it is not making the law but making a recommendation to City Council that's going to get considerable further discussion.

C Wiecha: Concurs with C Feierbach that the subdivision process will not necessarily address the issue, and she would be very supportive of that suggested revision to the zoning code. Regarding the second suggested revision on the HRO-3 to mandate the use of PUD districts, she checked the numbers on the project discussed earlier – in each of the cases of the three parcels that were subdivided, the slopes were all under 15%, the parcels were roughly 9,500 to 10,500, and using the formula for that zoning district, every single one of the houses was under the allowable FAR – two of the three exceeded the 3,500, which is the benefit of the PUD, but they did not push the envelope on either lot size, steepness or FAR. She believes there is actually benefit that can be accrued from using the PD process. Recommendation to staff would be to have the Commission review the policies for Western Hills to make sure that the plan addresses everything the community feels needs to be addressed with respect to future development.

MOTON: By Commissioner Wiecha to adopt of the resolution recommending to the City Council Zoning Code Amendments to Section 4.7 (Hillside Residential and Open Space [HRO] Districts) of Belmont Zoning Ordinance Number 360. Motion failed for lack of a second.

MOTION: By Commissioner Mathewson, seconded by Commissioner Wiecha, to adopt a resolution recommending to the City Council Zoning Code Amendment to Section 4.7.10(d) regarding proposed subdivision of property zoned HRO-1 shall be required to rezone said property to the HRO-2 District in conjunction with an application for subdivision.

Ayes: Mathewson, Wiecha, Gibson, Feierbach

Noes: Torre

Absent: Parsons, Petersen

Motion passed 4/1/2

PP de Melo stated that staff will bring this resolution back to the Commission at the next meeting for clarification purposes.

MOTION: By Commissioner Torre, seconded by Commissioner Wiecha, to continue to the earliest possible meeting, consideration of a resolution recommending to the City Council Zoning Code Amendment to Section 4.7.12 (A) (item number 2 in the proposed resolution for Zoning Code Amendments) for further staff analysis and clarification.

Ayes: Torre, Wiecha

Noes: Gibson, Feierbach, Mathewson

Absent: Parsons, Petersen

Motion failed 2/3/3

MOTION: By Commissioner Mathewson, seconded by Commissioner Gibson, to adopt a resolution recommending to the City Council Zoning Code Amendment to Section 4.7.11(c) (HRO-2) adding "except when the average lot slope of 30.51% and above, then the allowed floor area shall be the larger of 900 square feet or the floor area ratio applicable to the lot's slope category".

Ayes: Mathewson, Gibson, Wiecha, Feierbach

Noes: Torre

Absent: Parsons, Petersen

Motion passed 4/1/2

PP de Melo stated that staff will bring this resolution back to the Commission at the next meeting for clarification purposes.

MOTION: By Commissioner Wiecha, seconded by Commissioner Torre, recommending to City Council Zoning Code Amendment to Section 4.7.12 (A), to require that all new developments within the HRO-3, or Western Hill District, shall be required to comply with the provisions of Section 12, Planned Unit Development, or "PD" District.

Ayes: Wiecha, Gibson

Noes: Torre, Feierbach, Mathewson

Absent: Parsons, Petersen

Motion failed 2/3/2

MOTION: By Commissioner Wiecha, seconded by Commissioner Torre, recommending that the City Council adopt the resolution approving establishment of clustered development design guidelines for development within the San Juan Hills and Western Hills Areas.

Ayes: Wiecha, Torre, Gibson, Feierbach, Mathewson

Noes: None

Absent: Parsons, Petersen

Motion passed 5/0/2

MOTION: By Commissioner Feierbach, seconded by Commissioner Gibson, asking that staff return with a potential zone text change to the slope density formula to one-half and one-third for both the HRO-1 and the HRO-3.

Ayes: Feierbach, Gibson, Wiecha, Torre, Mathewson

Noes: None

Absent: Parsons, Petersen

Motion passed 5/0/2

PP de Melo stated that there will be a full public hearing prepared for this item.

REPORTS, STUDIES, UPDATES, AND COMMENTS

Commissioner Torre asked that staff agendaize for an early meeting discussion of whether or not it would be desirable to have an exception process different than the State-mandated Variance process, which would permit trade off of different requirements if the goals of the general plan were better met. The Commission concurred with the request. PP de Melo stated that the next four meetings have a number of agenda items, but agreed to agendaize the topic for a meeting in May.

ADJOURNMENT:

The meeting adjourned at 11:50 p.m. to a regular meeting on Tuesday, March 19, 2002 at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department.

Please call (650) 595-7416 to schedule an appointment